

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN MANUEL REGALADO,

Defendant.

CASE NO. CV04-9947-R
CR97-1078-LEW

ORDER

Defendant Juan Manuel Regalado has moved pursuant to 28 U.S.C. §2255 to vacate his sentence claiming that because the docket sheet does not contain any entry of the judgment dated February 22, 2000 of a previous §2255 motion that defendant claimed the one year statute of limitation does not begin to run so he could proceed here on what would be a successive §2255 motion.

This Court's order of January 21, 2005 denying a §2255 motion based on defendant's failures to show any right to relief and its status as a successive filing. That order was appealed to the Court of Appeals and denied on January 26, 2006. Defendant was also denied a certificate of appealability by the Court of Appeals on January 30 2007.

It appears that this Court is without jurisdiction. The defendant cannot meet any of the requirements of FRAP4(a)(5) or 4(a)(6) since defendant received each of the court's orders.

The motion is denied.

DATED: August 20, 2008.


MANUEL L. REAL
UNITED STATES DISTRICT JUDGE